

Editorial Comments

We are happy to introduce this issue of Dalit Bulletin with the report of a seminar 'Perspective on Counter Hegemonic Cultures,' organised by VAK-DIC, in Kerala in July 2007. The main objective of the seminar was to bring together Dalit artists, writers, literary figures, poets etc. to express their creative urges, and the formation of a critical intelligentsia as a creative force to occupy civil society spaces as the agent of social transformation. Artistic creativity is the movement of perception of bringing about new combination of past and present in a creative synthesis to shape the future.

The domain of culture is becoming an increasingly important arena of battle-ground for counter-hegemonic leadership. Building cultural hegemonic leadership requires the creation of the intellectual community of critical men and women committed to the creation of a new social order based on equality and justice. The formation of this critical intelligentsia is a historical need as the intellectual community by and large, are getting co-opted by the establishment. The reason for such a tendency attributed by Gramsci is 'transformism', the process of assimilation of intellectuals of subaltern classes by the dominant class, depriving them of their organic intellectuals, to maintain consensual support for the ruling class dominance from the subordinate groups. The ascendancy of Neo-liberal ideology of market fundamentalism as well as the interest of the dominant caste / class to uphold their hegemonic authority requires the support of subordinate groups to legitimise the system by the creation, reproduction and dissemination of a worldview, ideology favourable to their interest. In India too the pull of the system has been strong and its ways manifestly subtle to incorporate a large number of intellectuals into the state machinery. Resisting 'transformism' would need greater ideological commitment and organisational effort to knit them together as a community, which occurs only when the intelligentsia from the subaltern groups are involved in active cultural-ideological struggles for alternative hegemony.

The bulletin also chronicles various incidences of discrimination and atrocities on Dalits and Adivasis. The rising trends in atrocities indicate the increasing defiance of the perpetrators due to the falling rate of convictions. Khairlanji could be classical case of how the upper caste who perpetrated these atrocities trying to get away with impunity by the use of money, caste power and caste solidarity.

The other major issue made headlines was the Gujjar agitation in Rajasthan for the ST status. The Gujjar demands seem to be the part of the emerging trend of "de-Sanskritisation" process, that is castes considered ritually higher are now ready to compromise traditional ritual status, as material and social existence issues have become overriding factors. Caste identities are now getting reconstructed not on the basis of purity and pollution but as a bargaining identity and strategy for access to resources to reap the benefits of the neo-liberal growth model in terms of employment, educational opportunities and political representation.

Reservations were contemplated not merely to offset economic backwardness, but also address orientations responsible for rendering castes backward. Caste continues to be significant to the determination of life chances and there is a need to recognise that the socially privileged are always in a better position to manipulate the system in their favour. To ignore caste in the scheme of reservations or dilute it by means of a cumulative backwardness index would be tantamount to perpetuating high caste hegemony.



Report of the Seminar

Perspectives on Counter Hegemonic Cultures

Vagamon, Kerala, July 2007

The self-hood and self respect of a people is closely linked to their distinctive cultural identity. It shapes the nature of the relationship amongst human beings and between human beings and the natural world. It does not exist independent of life practices, of relationship with resources, of social organisation, of basic freedoms.

The Dalit cultural identities and practices have come under increasing attack in the past few decades. Their cultural space is increasingly squeezed out. The inherent civilizing mission and utter disregard for Dalit world views have pushed Dalits into a state of cultural marginalization and identity crises. This is at a time when they are subject to renewed assaults by forces of economic globalism destroying their life styles and cultural specificities under the banners of assimilation and mainstreaming. Cultural annihilation of a people is the first step towards their annihilation as a distinct people. Thus the question of cultural production is a part and parcel of general life activities, designed to hold existence together and impart meaning to it. The three-day seminar conducted at Vagamon by DIC on 'Perspectives on Counter Hegemonic Cultures' raised the questions of cultural representation, social space and re-figuring social identities spanning through Malayalam literature and in the specific context of Kerala society.

The three-day seminar on 'Perspectives on Counter Hegemonic Cultures' organized under the forum of Dalit Intellectual Collective was supported by Vikas Adhyayan Kendra, Mumbai.

The main objective of the seminar was to bring together the dalit writers and poets in Kerala to deliberate on Dalit cultural agenda. The seminar focused on four major areas which are as follows:

1. Dalit Politics and Culture: the issues of representation
2. Dalits and Media: Experiences sharing of editors and writers from alternative journals and Magazines
3. Representation of Dalit identity in a Literary and cultural space
4. Unveil the Contemporary phases of Dalit literature in Kerala

The seminar opened with an interactive session with Prof. Gopal Guru, Department of Political Science, Jawaharlal Nehru University, New Delhi on 5th July evening on the topic 'Reformation and Dalit Politics'. The formal opening of the seminar was on 6th July at 10.30 AM with the experience sharing of Fr. Aloysius D. Fernandez, Editor, ORA Monthly and a Key-note address by Prof. Gopal Guru. The seminar concluded with an open discussion on the relevance of Dalit intellectual's gathering on 7th July.

Some of the notable participants were the academicians like Gopal Guru, K.K.Kochu, A.K. Ramakrishnan, Sanal Mohan, C. Lakshman, Ajit Muricken, VAK, Mumbai, poets and novelists S. Joseph, M.B. Manoj, M.R. Renukumar, P.J. Binoy, Dalit activist and feminist Rekha Raj and folk artist Binu Pallipadu, Umesh, theologians Rev. Sunny George, Rev. Y.T. Vinaya Raj, and Fr. Aloysius D. Fernandez. A group of student activists from Dalit Students Movement (DSM) also participated in this seminar.

On 6th July 2007, the seminar started with the sharing of experiences of Fr. Aloysius D. Fernandez. He had begun his social involvement as a Latin Catholic Priest in the 1970s and has been working for the Dalit Cause since 1982. His first encounter with the caste discrimination was at a teashop near Naranganam (a village near Pathanamthitta) parish, opened his eyes to the nature of caste which discrimination existing at the grassroots level. He recalled that at Naranganam teashop a young Dalit Christian boy was seated at the corner of a bench and was having his tea. The other end of the same bench was occupied by a high caste Christian. He was furious that a Dalit boy had dared to sit along with him on the same bench. The man decided to punish the boy. He beat and kicked out the boy from the teashop. Nobody dared to react to this. This incident challenged Fr. Aloysius. He asked himself how to understand this brutal incident in the light of the teaching of chart. Caste thus came to a central notion of his theological preaching. He found a number of instances of caste discrimination within the

Christian parishes in Kerala. He affirmed his solidarity with Dalit Christians which in turn invited punishment transfers from parishes to parishes by the church authorities. Fr. Aloysius published his autobiography *Karutha Kurbanu* (Black Mass) in 2006. Presently Fr. Aloysius D. Fernandez heading the *Janajagruthy* is bringing out a monthly Journal *ORA* (Organ for Radical Action) which carries out the Dalit issues in Kerala. This journal has 25 years of reputation. His narration highlighted the alienation of the Dalit communities from public spaces. The hegemony operates through such spaces as tea-shops, markets, church etc. occupied by the high caste men, which demand a continuing struggle from the part of Dalits.

Prof. Gopal Guru delivered the keynote address to contextualize the thematic concerns by locating Kerala literature in the larger domain of creative knowledge and juxtaposing normative theory. He raised very pertinent questions in his talk. Is Malayalam literature able to reflect Dalit experience? Does Dalit literature get public appreciation? If yes, what are its bases? Is it accepted as a part of general literature or is it identified as 'Dalit literature'? Is this appreciation received from Dalits alone or non-dalits too? Whether the non-dalits appreciation is genuine, patronizing or ghettoizing? Further he extended his argument whether literature can substitute normative theory? He argued that metaphor is important but not sufficient to capture the realities. Therefore creative novels or poems can provide or support theory building but creative poetry or novel can't become a theory. Theory has its own intellectual strength to argue and theorized the lived experience or existing social realities. He further argued that the metaphor in novel or poetry actually creates a gap between it self and the symbol. That is reality and the image. It is imperative to engage with the existing reality for constructing a theory. Besides he cited two instances from the novel *Indhulekha* by O. Chandumenon and Thakazhi Sivasankara Pillai's *Tottiyude Makan*. In the course of the ensuing discussion the participants observed that the lack of translations from Indian languages to English is a great limitation to the understanding of Dalit literature in a wider context. Gurus' attempt was to understand literature as a locus of counter hegemonic space and Dalit literary movements are understood as counter cultural movements.

Rev. Sunny George argued for a dialogical process engage with a discourse of various socio-political structures. A shift in the contemporary social sciences from modernity to post-modernity was the discursive realm of Rev. Sunny George. He stressed upon the elimination of antagonistic understanding of the self for a plural understanding. Human beings are the products of plural multi-layered situations. The 'other' is a plural entity as well as the self. The marking of Dalit identity, its symbols and politics required a paradigm of plurality instead of monolithic frames of modernity.

Ajit Muricken and Gopal Guru critically engaged with Sunny George and pointed out that modernity have played an important role in the emancipation of dalit. The liberal values like equality, freedom, justice and political rights and the modern idea of equality of all humans as citizens, to an extent undermined the institutionalized inequality of caste system, arrayed against birth based hierarchies. The beneficiaries of these modern values were the oppressed caste/class, whose goal was to free themselves from injustices, discrimination, denial of rights, inequalities, class division and other oppressive social practices.

Dr. A. K. Ramakrishnan spoke about the concept of Hegemony. He pointed out that people generally consider hegemony in a negative sense. Ramakrishnan specified that hegemony is not a negative connotation in Gramscian sense. Antonio Gramsci argued that hegemony exists in a multiple levels of a society of which cultural hegemony stands significant. The negative connotation of hegemony emerges from the established state power and authority whereas cultural hegemony or counter hegemony is located in civil society. The cultural hegemony is to be understood as value, ideas, notions, culture and also power. Therefore, in Indian context Dalit society can also attain this cultural hegemony by attaining certain values, ideas and notions through the cultural artifact. He argued that Dalits in India have started attaining the counter hegemony. This counter hegemony of Dalits cannot stabilize and reproduce a new set of values, ideas and notions. This new set of idea challenges the existing one and the same could provide alternative culture. "Power" operates not only in the formal structures of the state but it operates in the social-cultural and economic sphere as well. He noted that the contemporary Dalit culture and politics is significant and it has to be understood in that context. He locates that contemporary identity politics of Dalit and Feminists is important. However, how far this identity politics cater to the larger project of establishing counter hegemony. And he also analysed the emergent Dalit Politics and emphasized the need for a combination of ideological and political approach. Ramakrishnan observes that once community identity becomes a stronger one, it provides some space to negotiate with the other. Dalit movements and literature was understood as a counter hegemonic force by Ramakrishnan. They are the potential movements that have a capacity to transcend existing power relations.

Dr. C. Lakshmanans' paper was titled "Understanding the Societies through the Lens of Novels in Tamil Literature" He began his paper by describing the universe of social science knowledge broadly located in normative theory and creative writings. He agreed with Prof. Gopal Guru's argument that the normative theory can provide a critical understanding, but it is not substitute normative theory. In Tamilnadu, there is a long trajectory of Dalit literature in terms of both quality and quantity. The important novels explore the existing reality of the Tamil society. The novelist employed a reflective imagination of peoples lived life. He listed reputed novelists like Kalyana Rao, Imyam, Bama, Perumal Murukan, Alakiya Periyavan, Ambai and many others novels. He noted how Tamil novels portray the issues of subordinated people and women. He also observed that a few novels are directly connected with societal violence like Keelvenmoney massacar in 1967 in Tanjoore. Further he narrated the story of a novel titled Theendathe Vasantham (Untouchable Breez) by Kalyana Rao. And he interpreted the novel how one can understand the history of sub coordinated people through a creative work. This novel portrays the history of South India's' four historical phases, feudal, colonial, post independence and post-modern phases.

Veerankutty presented a bird's eye view of contemporary Malayalam Poetry in the evening session of the interaction with Malayalam Poets. This session opened with the releasing of two poetry books titled, Kanuniellorakshravum (No letter is visible) by M.B.Manoj and Veshakkaya (poisonous fruit) by M.R. Renukumar, both published by D.C.Books Kottayam. Copies were released by Prof. Gopal Guru and were handed over to Dr. A.K. Ramakrishnan and S. Joseph respectively. Veerankutty observed that the writings of Dalit writers in Kerala now adorn the heights of mainstream literature and have obtained ample space and readership. In such a context major publishing houses have focused on the publishing of Dalit writings. These are the parallel histories which contextualized dalit life experience in the context of globalisation, political marginalization and subjugation. 'Some marks are never soluble in any heavy rains...' is the epitome of such bitter experiences. It haunts a community from generation to generation which is the core of all these narrations. 'Some words can't bare the alphabet of any languages' also explicitly narrates the difficulty of the articulation of dalit experience. Veerankutty observed that the life imageries sprinkled in the poems of S. Joseph, M.B. Manoj and M.R. Renukumar powerfully narrate the history of the Dalit Community.

Budding Malayalam poets recited their poems. This led to a discussion on the poems and sharing of their experiences by these poets. S. Kannan, Sijumon, Biju Pallippadu, S. Joseph, Veerankutty, M.B. Manoj, M.R. Renukumar et. al. presented their poems. The young poets powerfully articulated the issues of caste in their poems. These writings are not reduced to be as partisan slogans because of its strength.

On 7th July 2007, the Morning session began with a talk by K. K. Kochu, social activist and literary critic. 'Dalit literature and Dalit Politics' was the focus of his narration. Kochu observed that there was a close link between Malayalam literary movements and the Kerala Politics. He portrayed three phases of Malayalam literature that began with the religious reformation movements of Sreenarayana Guru, Poikayil Yohannan and Aiyankali. The social reform movements were greatly indebted to the religious literature produced by Kumaran Assan, Vallathole et.al. The formation of Congress party and their cultural base also sprouted from this religious literature. Poikayil Yohannan also produced his own literature. The period 1930s-1970s was second phase of Dalit literature. This was also the age of communist movements and dalit movements. The writings of Thakazhi Sivasankara Pillai, Ponkunnam Varkey, Keshavadev et.al were the backbone of communist movement. T.K.C. Vaduthala, Paul Chirakkarodu also produced their writings from the part of Dalit community during the same period which idealized dalit community. Kochu condemned these writings as 'ahistorical'. The class analysis preponderate all socio-political understandings including Kallara Sukumarans' (Dalit activist and Writer) analysis. The Dalit writers failed to present their historical life experiences. C. Ayyapans' short stories Uchamayakathile Swapnangal and Njandukal were the turning points in the Malayalam Dalit writings. These writings heralded a new phase in Dalit writings, which was the third Phase of Dalit literature and Politics. The new poets including S. Joseph, M.B. Manoj and M. R. Renukumar narrate the life experiences of Dalits today. K.K. Kochu also observed that these writings led to the abandoning of class analysis and the perception of caste as the central notion.

Sanal Mohan, started his talk on "Cultural studies and Literature" in social science academic, particularly with reference to the cultural studies in Universities and formal academic institutions. He raised the question, how far the cultural studies are incorporated and to what extent the emerging cultural studies in different institutions are able to grapple with Dalit realities. He observed that these existing cultural studies mainly focused on aesthetic dimension of life than the diversity of culture. The aesthetic of the society is deeply rooted in dominant notions. The richness of the written literature made it uneasy to understand a different notion of culture. The dominant aesthetics exist in the everyday forms of culture. The Dalit movements are critically engaging with the everyday

form of culture. It is very imperative to understand, what kinds of Dalit experiences are transformed as a resource to interact with the dominant notion of culture. Some kinds of language usages, for instance "enakku" etc. were some folk connotations of Malayalam, used by modern writers including T.K.C. Vaduthala et.al. What kind of social function was done by this language is pertinent. Before Vaduthala, Poikail Appaachan used a modern Malayalam in his prose and poems. During that time such a language was used as a ritualistic language. In every day form of culture language itself performed a different function. Malayalam is not a ritualistic language but the PRDS movement transformed the language into a different kind. For instance, he asked, to what extent the use of the word Dalit gives a meaning in culture and politics and answered that if one uses the word Dalit, has to be understood in its implied meaning - ie. the culture of resistance. Before the emergence of Dalit category, a number of categories were used to understand the Dalit life. Dalit is a major resistance category of hegemonic culture. Sanal Mohan observed that the Dalit cultural movements are formulating new subjectivities. He also noted while referring to Lekshmanans' pertinent questions- Does Dalit literature create new aesthetics? Is Dalit literature different from the existing aesthetic notions? For Sanal, it is a central point to understand, how one creates or locates new aesthetic modes in Dalit culture as well as, how Dalit tries to intervene and create the larger creative domain.

In the concluding session Ajit Murickan of VAK provided a brief on the objectives of the formation of DIC. He pointed out that DIC is essentially a dialogue and solidarity forum whose objective is to challenge prevailing hegemonic discourses and to evolve shared understandings of the dalit universe. This activity, we believe, has emancipatory potentialities for society since it will expose the shadows in the hegemonic discourse in doing so will suggest different possibilities. DIC is seen as an enabling forum for younger dalit scholars to present their work and reflection.

More specifically DIC will:

- ❖ Interrogate the nature of the public sphere in India,
- ❖ Formulate new modes of dalit engagement,
- ❖ Propose an alternative action agenda,
- ❖ Critically appreciate dalit knowledge systems and practices, and
- ❖ Develop an internal critique of dalit consciousness.

As a forum DIC have acquired a national character drawing on intellectuals and activists from all over the country. It will meet once a year when presentations will be invited on a theme chosen for the year. These themes allow for both general reflections and for reporting of more focused case studies.

There were 40 participants associated from the various walks of life. They observed that such a get-together would promote the cultural engagement for an egalitarian society. The translation of Dalit writings from Malayalam to English was raised as a vital need and the demand for a Dalit writers Directory was stressed upon in the seminar's evaluation session.

Dr. C. Lakshmanan and Dr. George K. Alex



I. DENIAL AND DISCRIMINATION

Dalits 'banned' from public places

Last week, a section of the Upper caste 'banned' the entry of Dalits to public places at Bhivargi village of Sangli district. Tension gripped the village, about 150 km from Sangli town, after Dalits were refused entry to the village temple, public water sources, flour mill and gram panchayat office. The atrocity was due to the Dalits having allegedly protested against the presence of an idol in their colony on January 6. In the latest incident, the police arrested 10 people and policemen have been deployed in the village with a population of 2,600.

According to the Sangli Collector, Rajendra Chavan, the trouble started on January 6 when Dalits asked the upper castes to shift an idol of Goddess Yallamma from their colony as they were against idol worship. When the caste villagers did not take any action, the Dalits shifted the idol themselves to another place, leading to a clash. On Wednesday night a written assurance was obtained from the upper castes that there will be no more harassment of Dalits and agreed to life the 'ban'.

Times of India, 12 January 2007



Dalits reach temple, yet to meet the deity

Dalits no doubt entered en masse into the Keradagada Jagannath temple in Kendrapara district on Sunday, but the sanctum sanctorum of the temple still remains a "No-Entry" zone of the Dalits.

Equal entry rights into the temple have no doubt been restored for both the upper castes and the Dalits. But this equality has come because the upper castes have foregone their rights to enter into the inner temple where the Lord resides so that the Dalits cannot step into the most sacred zone of the temple.

The upper castes have agreed not to go beyond a 'mutually agreed point' inside the temple. An iron grille has come up at the mutually agreed point where both communities offered prayers on Sunday. But beyond the iron grille, no one was allowed to go further into the temple.

On Monday, there was a little relaxation in the rules, with Dalits getting permission to come near the steps of the inner temple. Two new steel bars, fixed horizontally, near the steps make things obvious that no one will be allowed to go beyond the steps to offer puja.

Kendrapara collector Kasinath Sahu said: "There are no special privileges for upper castes. All communities will pray from a particular point. No one is allowed to enter the sanctum sanctorum."

President of Orissa Mukti Morcha and Dalit leader Bhajaman Behera said: "This darshan of the deities from behind the iron grille is no solution. I refuse to accept the administration's arguments that both communities mutually agreed to abide by this. The authorities have imposed this decision on the Dalits. If the upper castes have agreed to pray at a mutually agreed point, then it's designed to stop the Dalits from entering into the sanctum sanctorum. This iron grille has to be removed and the High Court order, which allowed all Hindus to enter and pray at the Keradagada temple, has to be implemented in letter and spirit."

On December 17, government officials managed to broker peace between the upper castes and the Dalits over the entry into the Jagannath temple. It was decided that there would be no bar on the Dalits to enter the temple.

Hindustan Times, 31 January 2007



Dalit woman denied water

Rashmita Sethy, a scheduled caste woman, and her family have been barred from using a community tube well near her house for the last three days after she dared to lodge an FIR against two persons, who abused and assaulted her. Rashmita lives with her husband and two-year-old daughter in Khandagiri Bari on the outskirts of Bhubaneswar.

According to the FIR Report, two youths misbehaved and assaulted Rashmita's younger sister Kalpana at a wedding ceremony on June 22. Despite the arrest of two culprits, Rashmita continued to be denied access to the tube well in front of her house so as to pressure her into withdrawing the FIR.

According to Rashmita, "till the FIR was not lodged, nobody had any problems with me using the same tube well. But after the FIR was lodged, our elected municipal corporator Pradip Mohapatra asked me not to use the tube well. I am being told that since I belong to the SC community, I cannot use the temple tube well".

(Rashmita, incidently, was a baseball player and even represented the state at the 48th National School Games held in New Delhi.)

Hindu, 2 July 2007



Panchayat denies tap water to Orissa Dalits

An Orissa panchayat has prevented at least 16 Dalit families from consuming tap water on grounds of untouchability. Bileisarda village panchayat in Balangir has kept pending the pipe-water connection to Harijanpada, though eight other wards of the panchayat have been given pipe-water connections.

Sources say the sarpanch has allegedly refused to connect Harijanpada with the same pipe that supplies water to houses of upper caste people. The panchayat, which started laying down pipes in 2005 for fetching water from the Suktel River, has completed the work only this summer. .

"Still, we have been denied water as the sarpanch won't take up the issue with the high caste people," says Sarmila Chhatria of Harijanpada. "Despite drawing the attention of the district administration, no official has turned up at our village," says another Dalit, Tulsiram Bag. The sarpanch belongs to the higher Dumbal (Kshatriya) caste.

He says, "We even requested the sarpanch many times to repair the tube well, but to no avail." While sarpanch Tapaswini Biswal refused to speak, her husband Jamidar Biswal said his wife was elected a few months ago but she did not know much about village politics.

The Times of India, 13 July 2007

II. ATROCITIES

Dalit homes set ablaze!

In Chandigarh on March 1, a group of incensed Rajput youngsters attacked and set fire to a number of dalit houses in Haryana's Salwan village, destroying nearly 24 households in the dalit quarter of the village. After ransacking the homes, the mob made bonfires of the furniture and other belongings. A few policemen, who tried to stop the attacker's were injured in the incident.

Karnal's superintendent of police, Sibash Kabiraj told this newspaper that the attack was possibly the retaliation of the murder of a Rajput resident, Mahipal Singh, two days ago. Though it was a blind murder, police investigations led to two Dalit men who were arrested on Wednesday.

"We had anticipated trouble between the dalits and Rajputs and had already taken the village panchayat into confidence. Even though the panchayat assured us that peace would be maintained, a group of about 25 to 30 youth quietly met outside the lower caste basti and attacked the houses," Mr. Kabiraj said.

An FIR has been registered on the complaint of the dalits and the police is now seeking to apprehend the attackers who fled the village. Meanwhile, in view of the heightened caste tension in Salwan, the police has started a round-the-clock guard there.

The Asian Age, 2 March 2007



Khairlanji hearing: CBI goof-up wastes a day

A goof-up by CBI led to adjournment of the hearing on the Dalit killing case in Khairlanji at the Bhandara fast-track court on July 13.

Part of the matter in the original CBI papers was found missing in the copies distributed to defence lawyers, when the latter started the cross-examination of Yadnyapal Khobragade, one of the witnesses in the gruesome murders of four members of the Bhotmange family at Khairlanji village on September 29.

Khobragade's examination was conducted by Special Public Prosecutor (SPP) Ujjwal Nikam on Thursday.

"When we started the cross-examination today, the judge found that the matter that we had in our papers was missing from his papers. Like, in our papers it was mentioned that Bhaiyyalal had visited Yadnyapal on September 30 and had narrated him the September 29 incident. The judge didn't find the latter half of the statement in his papers. It was later revealed that the matter in papers was at variance with each other," defence lawyer Neeraj Khandewale told The Indian Express.

He charged that the CBI was trying to mislead the court by giving two different sets of papers to the court and to us. "So, we requested the court to summon station diary, Khandewale further said.

SPP Nikam, however, had a different guess to make. "Probably the investigating officer might have recorded two statements of Yadnyapal," he said.

It is understood that Nikam is extremely peeved at the CBI faux pas. Meanwhile, Judge S S Das has directed the defence lawyers to get all CBI papers thoroughly cross-checked before the next hearing begins on August 8.

Indian Express, 13 July 2007



Khairlanji case: Key witness goes back on statement to CBI

A key witness in the Khairlanji Dalit killing case today denied having witnessed the murder of three of the victims.

As against what he had said in his narration of the incident during the May 5 hearing, Pusam today admitted that he didn't see Priyanka, Sudhir and Roshan being killed. This is at variance with what he had told the CBI too. On May 5, he had told in the court that he had witnessed the murder of Surekha and others.

In another admission, Pusam said that he was at home in the afternoon on September 29. The CBI version has it that he was in his field in the afternoon and had returned in the evening after the crime. He also told the court that some people from the village had gone to Kandri village in the afternoon to look for Rajan Gajbhiye, the police patil of the neighbouring Dhusala village and a very close friend of the Bhotmanges, as they saw him as the chief instigator behind a police testimony by Surekha against them in the assault on him (Rajan) on April 5.

It was this testimony that had angered the villagers who had reacted with killing the four members of Bhaiyyalal Bhotmange's family.

"Today's Pusam version in the cross-examination seriously affects his credibility as eye-witness. It's a major dent in the prosecution story," said Neeraj Khandewale while talking to The Indian Express. However, the Special Public Prosecutor Ujjwal Nikam, however, said: "The omissions do not hamper the prosecution's case. Pusam is an important witness and it will have to be established how he came to know of the three murders he now says he hasn't seen."

Indian Express, 13 June 2007



Dalit woman burnt to death near Khairlanji

Bhandara/Mumbai: Six months after four members of the dalit Bhotmange family were killed in Khairlanji village in Bhandara district sparking statewide protests and riots, a 35-year-old dalit woman was set on fire, allegedly by a man belonging to a 'higher caste', in Pachgaon village, Mohadi tehsil, on Saturday. She was rushed to Bhandara general hospital but succumbed to her burn injuries on Sunday. The accused, Babulal Bhagat, has been absconding.

The accused had reportedly demanded a loan from Indubai. When she refused, enraged Bhagat allegedly poured kerosene on her and set her ablaze. The deceased used to live alone as her husband had left her some time ago. But Bhandara DSP S Sagar downplayed the incident, saying the accused and the victim had an 'illicit relationship'.

Khairlanji is located in Mohadi tehsil, where Saturday's incident took place.

Times of India, 2007



Crime against dalit every 20 minutes

According to the National Crime Records Bureau, every 20 minutes, a dalit faces atrocities in India. Atrocities of diverse magnitudes, starting from untouchability, criminal offences like murder and rape, and other offences, like burning of houses, land grab etc, are on the rise in various states and Union Territories, where basic provisions of either the PCR Act 1955 or SCs/STs (Prevention of Atrocities) Act 1989 are not being implemented. This was revealed in the first national consultation of the National Commission on Scheduled Castes held in the capital on Tuesday.

Terming it a failure of the law enforcing machinery, Fakir Bhai Vaghela, vice-chairman of the SC Commission, said that it is regrettable that even after 57 years, untouchability, which was "abolished" under Article 17 of the Constitution, "we are even unable to implement successfully the basic provisions of our social laws".

Out of every 100 petitions received by the National Commission for Scheduled Castes daily, 20 are of atrocities against SCs. While one or more of the mandates of the POA Act have not been implemented by the different states and UTs, alleged the commission, the trials in courts and other forms of assistance, which falls in the domain of prosecution and social welfare departments, has also failed its purpose.

"In certain states, the pendency rate has gone up when compared to the year 2004 and the conviction rates have gone down in some states when compared with the data of 2004 for the same kinds of offences," said S. S. Sharma, joint secretary of the SC Commission.

The commission also raised concern over the discrepancy in the crime data of the NCRB vis-à-vis figures submitted to the commission by the respective states and UTs. Cent per cent accuracy and reliability of data is necessary before any steps are taken to improve the situation of SCs in the country.

Hindustan Times, 7 February 2007



Caste conflict over Madhukar Ghadge's death

When Madhukar Ghadge was beaten to death by a mob of 14 people in Satara district of Maharashtra, fact-finding report on the incident reported as follows:

On April 26, after the Ghadges began digging their well, at around 7:45 pm, his relations rushed to the construction site to find 14 people beating Madhukar to death with rocks and weapons. "While it is truly wonderful that the dalits and lower castes are getting more and more educated, and many of them are employed, it is nothing but a veil," says Sushovan Dhar, one of the members of the fact-finding team from Vikas Adhyayan Kendra. "In reality, this progress has only brought about more hatred amongst the higher castes, and this incident is an example of that," he adds.

Ghadge (28), an employee of the western railways at Mumbai's Parel workshop, was planning on digging a well in Kulakjai, Man Taluka. The reason they claimed was for better irrigation of their seven gunthas (1 acre = 40 gunthas) of farmlands which they had acquired in February 2006. Despite having received a No Objection Certificate (NOC) for the well, the villagers, largely comprising of the Maratha caste, got together along with three influential farm and well owners named Amar Kulkarni, Bhivaji Kapse, and Shivai Wagh and killed him.

According to the report, "Wagh and Kapse misled others into believing that the water from the village percolation tank would be utilised by and solely for the Ghadge family."

But the report goes on to state that, "this was not the main reason of the murder. Asserting their (the dalits') independence and autonomy is a bone of contention between them and the upper castes where the latter perceive this as a challenge to their age-old hegemony and monopoly over power."

While a growing number of dalits have to migrate to the cities for jobs, the report finds that this is very easy for them as “they are comparatively more advanced in education than the middle castes.”

The report also demands the immediate arrest of Kulkarsi and four other accused who are still not in police custody. They have also demanded the free and fair trial against Kulkarni and the others who they claim are currently behind “shielded” by the police. And last, but not least, they have demanded police protection to the Ghadge family until the well is completed.

Free Press Journal, 28 May 2007



21 get life term in 1991 Dalit massacre case

The Tsundur special court on Tuesday convicted 21 people to life imprisonment in the infamous Dalit massacre case of 1991. Another 35 were sentenced to one-year rigorous imprisonment.

Eight Dalits were brutally murdered by upper caste land-lords in the village on August 6, 1991, in a planned attack, which led to nation-wide protests. For the first time in the legal history, a special court was set up at the place where the savage killings were committed.

Delivering the verdict, district sessions and special court judge Anis said the charges, including murder framed against all the prime accused (21 persons), have been proved by the prosecution. The judge, however, refused to accept the argument of the prosecution to hand death penalty to the convicted.

A disappointed special public prosecutor B Chandrasekhar said he would write to the government to appeal in the HC for death penalty to the prime accused and rigorous punishment for the others. The court led off 123 others who were booked under different sections, stating that the evidence against them was not enough to convict them.

Times of India, 1 August 2007



III. JOB QUOTA AND INDIA INC

Voluntary act better than law on job quota, says India Inc

Industry leaders on Saturday informed the government that they were against legislation on reservation in the private sector but were ready to enhance their commitment to providing jobs and education to people from scheduled castes and scheduled tribes.

In a meeting with principal secretary to the Prime Minister, TKA Nair, present and former presidents of three apex chambers said voluntary action would yield better results than an Act of Parliament

The chamber heads asked the government to provide fiscal incentives to industry in 40-45 districts dominated by the SCs/STs.

Former Ficci president KK Modi said the chamber had resolved differences with the CII and Assocham on the issue of providing SC/ST employment data in company annual reports.

“We have convinced Ficci to work together,” Dhoot said.

The meeting was convened by Nair, also the chairman of the Coordination Committee on Affirmative Action, including reservation, which monitors specific results achieved by the private sector. The committee would meet again after two months to review action on fresh promises.

In the earlier two meetings of the coordination committee, it was suggested that a positive discrimination in recruitment of SCs and STs be followed. Mittal said against the commitment of 100 SC/STs to start their business, the CII has generated 345 entrepreneurs among them. Besides, 50 scholarships have been given to people from these classes.

Economic Times, 14 July 2007

A Good Beginning

The Federation of Indian Chambers of Commerce and Industry (FICCI) has gone a step further and has already given a list of 42 Industrial Training Institutes (ITI) which it would adopt and increase this figure to 50 by the end of the year. Today 81 per cent of the seats reserved for the SC-ST students are vacant. Five thousand SC-ST students will graduate from these it is. FICCI has also said it would train 50 SC-ST entrepreneurs per month at four training centres in four regions. But this may be a drop in the ocean considering there are an estimated four million SC-ST entrepreneurs per month at four training centres in four regions in the country with no training and no support system. The government's urgency to get things going is understandable as it has a huge political constituency to address. The emergence of Ms. Mayawati, the chief minister of Uttar Pradesh on the national scene, has only hardened the government's position on the issue of employment for SCs and STs. The public sector had been hitherto taking on the responsibility of fulfilling the government's political and social agenda. But with more and more PSUs being privatised partly or fully, reservation is taking a knocking. If other business organisations come up with other programmes they will be of help to SCs and STs.

The Asian Age, 17 July 2007



IV. QUOTA FOR DALITS AMONG MINORITIES

Govt. Panel Seeks Quota benefit for Religious Minorities

The National Commission for Religious and Linguistic Minorities has backed the demand for extending reservation benefits to Dalit converts to Christianity and Islam.

The panel has said that a clause in Constitution (SCs) Order of 1950, which restricts the SC net to Hindus, Sikhs and Buddhists, should be dropped to delink SC status from religion. The sensitive recommendation, however, has met with a strong dissenting note from the panel's member secretary Asha Das, who argued that extending SC status to Christians and Muslims would amount to inserting caste in religions which don't recognise it. She has questioned the propriety of parliament or judiciary to change the tenets of religion.

There are also strong demands from Muslim and Christian groups for treatment of Dalit converts as SCs to entitle them to benefits of reservation in jobs and education. The Sachar panel, which was asked to go into the matter, left the decision for NCRLM. With the panel coming out with the recommendations, there will be increased demands from Dalit Muslims and Christians even as this will meet resistance from existing SCs. They also face vehement opposition from the saffron brigade who argue that it would encourage religious conversions of Hindus since exclusion of Dalit converts from SC list acts as a deterrent.

Head of Pasmanda Muslim Mahaz and RS MP Anwar Ali seized upon the report to demand that 1950 Presidential Order barring Muslims and Christians from SC list be revoked to ensure them SC status and benefits.

Body wants 15% minority quota in govt. jobs

New Dehi: The National Commission for Linguistic and Religious Minorities is understood to have recommended 15% reservation for minorities, specially Muslims, in government jobs. The commission, in its report submitted to the PM on Monday, suggested that the break-up within the 15% should be 10% for the Muslims and the rest 5% for the remaining minority communities.

Times of India, 7 July 2007



Do Christians practise caste system?

The campaign of Dalit Christians for scheduled caste status took another turn on Wednesday with a sceptical supreme court responding to their demand by asking whether Christians also practised caste system.

“Would the Christians admit that they practise caste system and that the Dalits (among them) face social discrimination requiring reservation to uplift their cause? This, is not all that easy,” a bench headed by Chief Justice K G Balakrishnan said granting eight weeks to the Centre to report back to court.

Resisting demand for instant recognition, SC’s poser can put Christian leaders in a quandary. They have been demanding SC status for Dalit Christians saying that the change of faith does not improve social status, but may find it difficult to admit that Dalits in the fold faced the same sort of discrimination as their counterparts in the Hindu community. Christians claim to be a casteless society.

Dalit Christian activists, who have agitated for Dalit status for long, recently got a shot in arm when the Justice Ranganath Mishra Commission endorsed their case. Appearing for them, senior counsel Shanti Bhushan cited the Mishra Commission’s report as he argued that the SC category be expanded to include Dalits who have now embraced Christianity and Islam.

He argued for the scrapping of the Constitution (Scheduled Castes) Order, 1950, restricting reservation, benefits to Dalits only among Hindus, Buddhists and Sikhs. “It is clear from the commission’s report that a mere change in religion did not bring about a change in their social status,” Bushan argued.

He was supported by senior advocate Ram Jethmalani, appearing for the All India United Christian Movement for Equal Rights. Jethmalani said the Congress government had brought in the Bill in 1996 with the objective of giving Dalits equal rights irrespective of the religion they profess. “It is only politics that has deprived the Dalit Christians their legitimate due,” he added.

The court, however, felt that the matter was best left to the Centre. When pressed further, it said to adjudicate the issue it would require the views of Christians and wondered whether they would admit practising the caste system. Additional solicitor general Gopal Subramaniam said the government is seeking the opinion of the National Commission for Scheduled Castes on the report of the Mishra Commission and sought time for this purpose.

The existing scheduled castes who have watched warily the move to widen the ambit of the reservation benefits to include Dalits among Christians and Muslims may derive satisfaction from the court’s poser. They fear that the inclusion of Dalit Christians who have a big edge in the form of English education may hurt them.

The CJI said the legal validity of the provision depriving Dalit Christians of SC status could not be determined without data and it is the government which is in the best position to take a call on the basis of the report of the Mishra Commission.

Subramaniam said none should doubt the Centre’s sincerity on the issue as it had facilitated the Mishra Commission for an expedite inquiry into the state of affairs pertaining to religious and linguistic minorities.

Times of India, 20 July 2007



Is quota based solely on caste impermissible?

Court will also examine whether such exercise is divisive and incompatible with unity and integrity

The Supreme Court, while interpreting the provisions of the Central Educational Institutions (Reservation in Admission) Act, 2006, will examine whether quota based solely or principally on caste is impermissible under Article 15 of the Constitution.

It will also go into “whether reservation that relies significantly on ‘caste’ to identify its beneficiaries is inherently divisive and incompatible with the unity and integrity of the nation,” a Bench, consisting of Justices Arijit Pasayat and L. S. Pant.

If the answer to the two questions is “yes”, then “how, in what way and on what basis are the beneficiaries of ‘special provisions’ to be identified, selected, included or excluded? Does the Union of India’s method, manner and extent of identifying and compensating beneficiaries of ‘special provisions’ perpetuate caste and backwardness?”

“Whether ‘caste-based’ reservation is a permissible form of affirmative action under Article 15? If the answer to the question above is in the affirmative, then what are the permissible criteria for the identification of the ‘class’ to whom the benefits under an affirmative action programme are to be extended under Article 15?”

Whether the reservation policy of the state, which lacks a Continuous Review Mechanism, is violative of Articles 14, 15, 21 and 29(2)?

Whether, after the judgement in Indra Sawhney’s (Mandal) case, the classification of backward classes on the basis of caste for purposes of Article 16(4) and 15(5)? Whether 27 per cent reservation for the Socially and Educationally Backward Classes (SEBCs/Other Backward Classes is justified?

Whether the Act in so far as it mandates 27 per cent reservation in all educational institutions (including private aided institutions) irrespective of and unrelated to the “compelling need” of the state and without any computable data for identification data for identification of persons as OBCs is violative of Articles 14,15, 21A and 29(2)?

Is the special provision by way of reservation of 27 percent for the OBCs in Central educational institutions within the percentage authorised in Indra Sawhney’s case? As for the averment that there will be an increase of seats so as not to diminish the number of seats available for the non-reserved category, the question is: could such a provision be held unconstitutional?

Whether the Act is violative of Articles 14, 15(1), 19, 21 and 29(2)?

Creamy Layer

Would the concept of “creamy layer” at all be applicable to a special provision by way of reservation for education provided for by law made by the state?

Whether the provisions of the Act in so far as they do not exclude or made a provision for identification and exclusion of the “creamy layer” from the beneficiaries of reservation fall foul of Articles 15 and 29(2)?

Whether the reasons given by the Union and the data furnished by it to justify and sustain the Act satisfy the requirements of a valid exercise of affirmative action as laid down in various judgements and whether they can provide a valid basis for reservation of the kind sought to be attained by the impugned Act?

Whether the Act is in violation of Article 26 of the Universal Declaration of Human Rights, which postulates that technical and professional education be made generally available and higher education be equally accessible to all on the basis of merit?

The other questions include: What is the true ambit and scope of Articles 15(4) and 15(5) of the Constitution? If Article 15(5) is valid, what is its true scope and ambit?

What is the meaning of the term “special provisions” in Articles 15(4) and 15(5)? Does it include “quotas” by reservation of seats especially in higher education institutions and professional and technical education institutions (particularly those of a national stature or importance and in courses categorised as speciality or superspeciality)? Is it a permissible measure of advancement of the SEBCs? If the answers to the above questions are in the affirmative, then what are the necessary ingredients of any “affirmative action” programme of the state including the “nature and extent” of the benefits proposed and the limitations thereon, in order to balance the rights between Articles, 14, 15, 29(2) and its “facet” in Articles 15(4) and 15(5)?

Whether a rational policy of affirmative action that will ensure free and compulsory education to the illiterate sections among all citizens including the backward classes is absent and, if so, whether affirmative action in favour of the SEBCs is discriminatory and unconstitutional? What is the meaning of the words “for the advancement of any socially and educationally backward classes of citizens” in Articles 15(4) and 15(5)? What is the yardstick for measuring educational backwardness under Clauses (4) and (5) of Article 15?

Whether substitution of the expression “socially and educationally backward classes of citizens” by “socially and economically backward classes” would result in fulfilling constitutional intentions and objectives?

The Bench, while framing these questions, said, “it is needless to say that the larger Bench hearing the matter can consider further issues or questions involved.”

The Hindu, Chennai, 18 May 2007

Panel wants religion delinked from caste, quota for Dalit Christians, Muslims

The Ranganath Mishra Commission is likely to recommend that religion should be delinked from caste while deciding the Scheduled-Caste status. The Commission report is ready and if its recommendations are accepted, Dalit Christians and Dalit Muslims will be eligible for reservation.

The Commission was to submit its report to the Government on March 26 but has been advised to seek an extension till May 15 to get around the problem of having to deal with recommendations that could be controversial, just ahead of the UP elections.

The five-member Commission was set up on March 15, 2005 to look into the criteria for defining backwardness among minorities.

The report, according to sources, is not an unanimous one but may have far-reaching consequences on the debate whether Muslim and Christian Scheduled Caste groups should have access to the same facilities and privileges as Hindu/Sikh or Buddhist Scheduled Castes.

The Constitution does not go into the religion of deprived caste groups, but a Government order of 1950 and successive amendments have complicated matters for several caste groups that have converted to either Islam or Christianity.

According to the 1950 order, only Hindus were to be considered as part of the Scheduled Caste category, though amendments to this order in 1956 and then in 1990, added Sikhs to the pool and then Buddhists. Now, Muslim, Christian and Jain 'Scheduled Castes' are not recognised as beneficiaries and there are several petitions filed by Muslims and Christian groups pending in the Supreme Court contesting this Government order. The next hearing for these petitions is on April 3.

Indian Express, 28 March 2007



Andhra Cabinet for 4 per cent Muslim quota

The Andhra Pradesh Cabinet has accepted recommendations of the BC Commission on providing four per cent reservations to 'socially and educationally backward Muslims' in education and employment. It proposes to soon bring an Ordinance to give effect to the decision. The reservations will come into force from the current academic year itself.

Muslims who will get the benefit

- ❖ Achchukattalavandlu, Singali, Singamvullu, Achchupanivallu and Achchukattuvaru
- ❖ Attar Saibulu and Attarollu
- ❖ Dhobi Muslim/Muslim Dhobi/Dhobi Musalman, Turka Chakla or Turka sakala, Turka Chakali, Tulukka Vannan, Tsakalas, Sakalas or Chakalas and Muslim Rajakas
- ❖ Faqir, Fhakhir Budbudke, Ghanti Fhakhir, Ghanta Fhakhiru, Turaka Budbudkhi, and Darvesh Fakeer
- ❖ Garadi Muslim, Garadi Saibulu, Pamulavallu, Kanikattuvallu, Garadollu and Garadiga
- ❖ Gosangi Muslim and Phakeer Sayebulu
- ❖ Guddi Eluguvallu, Elugubantuvallu and Musalman Keelugurravallu
- ❖ Hajam, Nai, Nai Muslim and Navid
- ❖ Labbi, Labbai, Labbon and Labba
- ❖ Pakeerla, Borewale, Deera Phakirlu and Bonthala
- ❖ Qureshi, Kureshi/Khureshi, Khasab and Marati Khasab
- ❖ Shaik and Sheikh
- ❖ Siddi Yaba, Habshi and Jasi

Groups excluded from reservation purview

- ❖ Syed, Saiyad, Sayyad and Mushaik
- ❖ Mughal and Moghal
- ❖ Pathans
- ❖ Irani
- ❖ Arab
- ❖ Bohara and Bohra
- ❖ Shia Imami Ismaili and Khoja
- ❖ Cutchi-Memon
- ❖ Jamayat

However, 10 sub-castes in the Muslim community have been put outside the ambit of the reservations. In other words, about 8 per cent of 80 lakh Muslims in the state stand to gain.

The state Cabinet, which met under the chairmanship of Chief Minister Y. S. Rajasekhara Reddy, ratified the recommendations on Wednesday. The BC Commission had submitted its report to the state Government on Tuesday.

Muslims will be considered as Group E in Backward Classes List, according to the Draft Ordinance, which will be sent to the Governor for his consent.

Keeping in view the successive failures of the Government in 1968, 1982, 2004 and 2005 in extending reservations to Muslims, the state Government followed a 'foolproof' system by referring the matter to BC Commission. As courts have struck down the Government's previous efforts that reservations cannot be extended to a section of people based on religion, the Government this time excluded some affluent sub-castes from the purview of the reservations, Information Minister A Ramnarayana Reddy told me diapersons.

Minority Welfare Minister Mohd Ali Shabbir, who was also present, defended the exemption of a few sub-castes. "Earlier, attempts to provide reservations to all Muslims boomeranged. Now, at least 85 per cent Muslims will get the benefit," he said. In so far as creamy layer form the community is concerned, guidelines already laid down by the Government are applicable.

Economic Times, 5 July 2007



V. GUJJARS STRUGGLE FOR ST STATUS

Gurjjars 'document' evidence to show likeness to tribals

The Gurjjar leaders in Rajasthan are busy documenting the customs of the community which they say are similar to those of tribals to strengthen their representation before the panel looking into their demand for Scheduled Tribe status.

The Justice Jasraj Chopra Committee has invited the Gurjjars to place their views before it by July 16.

A detailed survey of how many Gurjjars continue to live in groups like the gypsies and how many are socially and economically backward will also be undertaken.

From photographs to videos, and signed statements of local Gurjjars to documents detailing the community's history — the teams have been asked to collect as much data on the community as possible.

"As of now, we ourselves do not have exact figures on how many of us continue to live like tribals. The survey being conducted will help us get a fair idea of this and we will be able to present our case better in front of the committee," stated Roop Singh, a Gurjjars leader.

Among other things, the Gurjjars leaders have already made videos of how the people of their community continue to go to witch-doctors and temple priests in case of illness or injuries. Members of the medical teams which went

to Bundi to treat those injured in police firing during the Gurjjars agitation have shot these video. "Is this not very typical of the tribals? There are several pockets in the state where Gurjjars continue to go to witch doctors, believe in black magic and also worship lok devtas," Roop Singh said.

He insisted that there were other customs similar to the tribals, including getting a widow married to her brother-in-law, not allowing inter-caste marriages, sacrificing animals at temples and so on. "What we want to show to the committee is a picture of the darker side of the Gurjjars community, where poor people continue to live in own groups, trust only Gurjjars panchayats and not the state judiciary, and are too shy to involve with other communities," stated another leader Brahsingh Gurjjars.

Indian Express, 3 July 2007



The Gujars

Who are the Gurjjars

- ❖ Caste group from north-west, west India. Both Hindus and Muslims
- ❖ In J-K & Himachal, pastoral and have ST (Scheduled Tribe) status. But in west UP, Rajasthan, Haryana and Gujarat, are more settled, so classified as OBC
- ❖ In Rajasthan, form 5% of population

Why do they want ST status

- ❖ At 12-15% of population in Rajasthan, Jats dominate OBC and its 27% quota in govt. jobs. Gurjjars feel competition unfair and deprives them of benefits
- ❖ Festering for decades is anger over Meenas (10% of the population) being added to the ST list in 1954. Meenas now have sizeable clout in police and administration

What's the official stand

- ❖ In 1981, Social Welfare Dept of Shiv Charan Mathur's Congress govt said Gujjars were "fairly well off", "suffer from no shyness of contact with people" and "don't have primitive traits to be considered for inclusion in ST list"

What is the politicians' take

- ❖ Chief Minister Vasundhara Raje promised ST status while campaigning for the Assembly polls in 2003
- ❖ Says Sachin Pilot, Congress MP from Dausa: "The administration has been totally callous. It set up a high-powered committee for look into the question of ST status for Gurjjars one-and-a-half years ago, but the panel has not even been notified yet. Even the state ministers supposed to be on it don't know whether the committee exists"

Why is Gurjjar ST status a hot potato?

- ❖ Meenas, the only ST at present, finding its pie cut into, might want to migrate to SC category
- ❖ Cascading effect of this as other groups may similarly demand re-categorisation

What is at stake

- ❖ Meena-Jat-Gurjjar social fabric is threatened. Faultlines already visible among communities. Whispers among Gurjjars that Meena officials ordered firing on the Gurjjar demonstrators on Tuesday

How do you decide on ST

- ❖ Centre asks State and Census Commissioner, whose Anthropological Wing checks on characteristics of group; distinct culture, remoteness, absence of caste, dialect
- ❖ Not so easy. In 1981, Rajasthan govt recommended ST status for Gaddia Lohars and Vanjaras. Until now, this hasn't been done

The Indian Express, Wednesday, 30 May 2007



VI. JOB OUTSOURCING AND CASTE

Why elections sweep aside caste divide for scavengers

In eastern Uttar Pradesh, job outsourcing has taken on a casteist hue. Of the 5,000 odd conservancy workers employed in various municipalities, 2,000 are Brahmins, Rajputs, Kayasthas and upper class Muslims, holding jobs traditionally meant for Dalits. But therein lies the catch.

Most of the non-Dalit sanitary workers have in turn employed manual scavengers belonging to the lower castes to do the job for them. But curiously, when it comes to elections, both the upper and lower caste workers seem to be opting for the same party – the BSP.

For instance, Shubhavati Devi (40), a Dalit manual scavenger from Deoria, is on the payroll of Ram Janam Shukla, a conservancy worker in the local municipality. Three years ago, both had applied for the same job, which went to Shukla.

Now, Shukla gets a salary of Rs. 5,000 per month from the government, from which he pays Shubhavati Rs. 1,000 to do the work he is supposed to do.

Both are getting ready to vote in the Assembly elections on May 8. While Shubhavati is a die-hard supporter of Mayawati, Shukla is backing Kamlesh Shukla, the BSP candidate from the constituency.

“Sher aur bakri ek hi ghaat par paani pine ki ichcha rakhte hain. Bakri sher ki adapt se wakif hai phir bhi (The lion and goat want to drink water from the same riverbank. The goat knows the habits of the lion, but still),” says Ramchandra Prasad, another Dalit from the same district, on this strange trend.

“The exploiter and the exploited are going to vote for the same party. Both hope their situation will improve if the BSP comes to power. The exploited thinks that the schemes which might be introduced by Mayawati would reach her one day and the exploiter, who got the job thanks to the BSP candidate’s recommendation, is hoping for more benefits from him,” he adds.

Two years ago, 33 workers were appointed in the district by the state government for sanitary works. Of them, 20 belonged to the upper caste. The same ratio was maintained by the BSP while distributing tickets for the Assembly elections. It gave tickets to two Brahmins (Deoria and Rudrapur), one Thakur (Gauriganj) and one upper class Muslim (Salempur). Dalit candidates made it to three others seats.

Says Munnwar Sultana, a social activist in eastern Uttar Pradesh: “We have complained to the National Human rights Commission (NHRC) that upper caste members are getting jobs meant for lower caste communities like the Valmikis and Rawats. The NHRC in turn has asked the state government to check the complaint and take corrective measures. But what can we do against a political party?”

Indian Express, 26 April 2007



VII. SCHEDULE TRIBES

Scheduled Tribes in forests not ‘unauthorised occupants’

Bench directive to Forest officials

Scheduled Tribes living in forests will not fall under the category of “unauthorised occupants” found in the Tamil Nadu Forest Act, 1882 once their right to live in forests has been safeguarded under the Scheduled Tribes and Other Traditional Forest Dwellers (recognition of forest rights) Act, 2006, the Madurai Bench of the Madras High Court has ruled.

Petition dismissed

A Division Bench, comprising Justice K. Ravirajapandian and Justice P. R. Shivakumar, gave the ruling which dismissing a writ petition filed by Palanimalai Palandudiyinar Pazhiyan Pulaiyan Kootamaipu (a federation of Scheduled Tribes dwelling in forests) of Kodaikanal in Dindigul district.

Summary eviction

The Palanimalai Palankudiyinar Pazhiyan Pulaiyan Kootamaipu sought to declare Section 68-A of the State enactment as null and void to the extent that the expression “any person” used in the Section does not include Scheduled Tribes. The Section authorises Forest officials to summarily evict any person “unauthorisedly” occupying forestland.

Member evicted

Petitioner’s counsel T. Lajapathi Roy contended that the Section was repugnant to the Central enactment passed in 2006. He said one of the members of the Palanimalai Palankudiyinar Pazhiyan Pulaiyan Kootamaipu was forcibly evicted by officials.

Immediately, a representation was made to the Government with reference to the right guaranteed under the Central Act.

There was no response and hence the writ petition.

Writing the judgment for the Bench, Mr. Justice Ravirajapandian said that the Central and State Acts were not in conflict with each other because of expression “unauthorisedly” succeeded immediately after the words “any person” in Section 68-A. Once the petitioners accrued the right to live in forest land under the Central enactment, they could not be referred to as “unauthorised occupants”.

The Bench directed the officials of the Forest Department to consider a representation made by the federation, pursuant to the eviction of its members, and pass orders on merits in accordance with law.

The Hindu, Friday, 13 July 2007



‘Don’t let new mining policy hurt the tribals’

Tribal activists are demanding the Centre should ensure that the mining activities in mineral-rich states involve least damage to tribal lives, including displacement and loss of rights on their lands. This assumes significance, as speculation is rife that the New Mining Policy will be tabled in the ensuing Monsoon Session of Parliament, beginning from August 10. It is feared that it could lead to greater exploitation of fresh mineral reserves and increase foreign direct investment (FDI) in the sector.

Since early 90s, as part of the new wave of liberalisation, thousands of mining leases have been issued, giving away Adivasis’ lands to domestic and global private mining corporations. This, despite a number of constitutional safeguards, meant to protect the interests of these vulnerable communities and their fragile but resource-rich environs with which they share a symbiotic relationship, social activists said.

“The entire thing looks like serving the interests of the US, China and Japan.

While the Americans are in great need of aluminium for their multi-billion dollar defence industry, the mammoth manufacturing sectors of China and Japan have constantly been on the look out for cheap iron ore,” Mr. Ashok Maridas of Grassroots Media said.

The tribal districts of Chhattisgarh, Orissa, Andhra Pradesh, Karnataka and Maharashtra are destinations of very big investments, mostly in aluminium, steel and iron plants and mining projects. About 80 per cent of India’s minerals and 70 per cent of forests are within tribal areas. As is the case already, the tribal-inhabited forests have become cradles of heavy industries, which some of them, are serving as unorganised and unskilled labourers. Of late, tribals are joining as domestic helps in India’s growing cities.

While the new Mining Policy intends to welcome foreign and private investment in the name of “upgradation or transfer of latest technology,” the existing acts have had amply proven that neither the implied policy, nor its implementation has helped tribals. The Land Acquisition Act 1894 is still being used to legally take over tribal lands in the name of national interest. The Indian Forests Act, 1927, which became the main legal instrument for depriving the tribals of their rights even over the minor forest produce.

Asian Age, 6 August 2007



VIII. INTERNATIONAL NEWS

ILO Report on India's Caste based discrimination

Caste-based discrimination maybe abolished by law in India but it remains a major cause why backward classes, especially the Dalits, remain confined to menial tasks like manual scavenging and removal of dead animals, according to a latest report by the International Labour Organisation (ILO) on discrimination in the job sector. Affirmative action has been able to assist only a small number of Dalits in finding formal jobs but has failed to provide even and equal opportunities to all, the report added.

"Violence, discrimination and segregation are a daily experience for millions of men and women in several regions of the world. But the practice (of discrimination that is rooted in caste or similar systems) is most widespread in South Asia, particularly in India and Nepal," the report, titled 'Equality at Work: Tackling the Challenges' remarked.

The report, a follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, was released in New Delhi by the Union Labour and Employment Minister, Oscar Fernandes, on Thursday.

The report added that Dalits are generally not accepted for any work involving contact for water and food for non-Dalits or entering a non-Dalit residence. "Thus, they are excluded from a wide-range of work opportunities in the area of production, processing or sale of food items, domestic work and the provision of certain services in the private and public sectors," the report said, adding their situation is further impaired by limited access to education, training and resources.

The report advised authorities not to merely adopt a "purely development approach to improve the lot of Dalits". It suggested that underlying structural causes and caste barriers need to be addressed simultaneously.

The ILO is also looking closely at the National Rural Employment Guarantee Programme (NREGP). "It is premature to draw any conclusions about the impact of the scheme on poverty and gender equality, but concerns have been voiced about possible tensions within families over the selection of the member to be given the job and about women being left out," it said.

The ILO is conducting surveys in select districts to examine the decent work and gender equality aspects of NREGP. "The ultimate goal is to devise the necessary safeguards to be put in place in the NREGP so that men and women can benefit from it equally," the report said.

PAKISTAN

The national workshop on "Caste-based discrimination in Pakistan," took place on 3 June in Karachi, organised by the Pakistan Institute of Labour Education and Research (Piler) and the Thardeep Rural Development Programme (TRDP). The workshop was attended by about 40 participants, including Dalit community representatives, NGOs, political leaders, academics, researchers and activists.

The research team leader, Zulfiqar Shah, presented the initial findings of his study carried out on 5,000 households which were mainly carried out in four districts – two in lower Punjab and two in lower Sindh. It is estimated that about two million scheduled caste people are among the poorest of the poor and are discriminated against in day to day life. Scheduled caste communities include the Kolhi, Meghwar, Bheel, Balmiki, Oad, Jogi, Bagri and other communities.

Extract from BBC report on the workshop:

"The survey revealed that the worst form of discrimination — from both upper caste Hindus and Muslims — came in the shape of untouchability, which means they were denied access to public places like restaurants, barber shops, etc. In some places they were served in separate crockery and in other areas they were even denied entry to certain restaurants and shops. They had segregated housing, while the situation is worse in rural areas as 95 per cent of Dalits living in Rahimyar Khan reported untouchability as compared to 35 per cent living in Multan. Sixty-nine per cent of those surveyed said that their upper caste Hindu and Muslim neighbours either do not invite them to their social gatherings like weddings, or if invited they are served food separately. This attitude was relatively more prevalent in Rahimyar Khan (87 per cent) than in Tharparkar (60 per cent).

The study claims that only one per cent of scheduled caste people were in government service, that also in the

lowest tiers like primary school teachers. The illiteracy level in Dalits stood at 73 per cent against the national literacy level of around 50 per cent. The majority of these literates are educated up to the primary or secondary school levels, while only one per cent were graduates.

Approximately 56 per cent of Dalit families live in single-room katcha houses, while 35 per cent reported the death of a child under 5 years in their families. The data showed that they were ignored by the political groups and government; hence they were unable to reap any benefits from the devolution plan. They also faced economic exploitation and the majority of bonded labourers in Sindh are from the scheduled castes.

The research revealed that very little information was available on the status of issues being faced by marginalised groups like the scheduled castes. Also, there was no legal protection or affirmative action policy to combat caste-based discrimination in Pakistan, unlike in India.”

At the end of the workshop, the participants made a series of recommendations:

A national commission should be set up to solve the problems faced by the scheduled castes;

Caste-based discrimination be declared a serious crime;

A constitutional package and protection for scheduled castes should be provided.

Special measures should be taken to stop forced conversions of scheduled caste girls and an independent commission should be formed to investigate the conversions.

Special scholarships must be provided to Dalit students and steps be taken to end the discrimination in schools against them, along with reforms in the curriculum.

Dalits should be given due representation at the decision-making levels so that they could protect their rights.

Hindustan Times, 11 May 2007



Produced and Published by:

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Design & Layout : Kartiki Desai

Printed by: **Sudhir Joglekar, Omega Publications**

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